Over the next few months it will be up to the President and his party to work with us to deliver the same kind of bipartisan resolution on spending that we have now achieved on taxes, but it needs to happen before the eleventh hour. For that to happen, the President needs to show up this time.

The President claims to want a balanced approach. Now that he has the tax rates he wants, his calls for ''balance'' means he needs to join us in the effort to achieve meaningful spending reform. The President may not want to have this debate, but it is the one he is going to have because the country needs it. Republicans are ready to tackle the spending problem, and we start today.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

SENATE RULES CHANGES

S. RES. 4

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I have a resolution for myself, Senator MERKLEY, and Senator HARKIN, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 4), to limit certain uses of the filibuster in the Senate to improve the legislative process.

Mr. UDALL of New Mexico. Madam President, I would object.

The PRESIDING OFFICER. The Senator is objecting to further proceeding?

Mr. UDALL of New Mexico. Yes.

The PRESIDING OFFICER. Objection having been heard, the resolution will go over under the rule.

Mr. UDALL of New Mexico. I yield to the Senator from Tennessee for his objection.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Reserving the right to object, the majority and minority leaders are working together to try to find ways to move bills to the floor and get more amendments. I wish to give them time to complete that work. I therefore object.

The PRESIDING OFFICER. Objection is noted.

Mr. UDALL of New Mexico. I thank the Senator from Tennessee. I know he is working diligently and we have some very positive things happening.

Madam President, as we begin the 113th Congress, I have submitted on behalf of myself and Senators MERKLEY and HARKIN a resolution to amend the Standing Rules of the Senate.

Our proposal to reform the rules is simple, it is limited, and it is fair. Again, we are not ending the filibuster. We preserve the rights of the minority. We are only proposing the following:

No. 1, an end to the widespread abuse of silent filibusters. Instead, Senators would be required to go to the floor and actually tell the American people why they oppose a bill or nominee in order to maintain a filibuster;

No. 2, debate on motions to proceed to a bill, or to send a bill to conference, would be limited to two hours; and

No. 3, postcloture debate on a nominee—other than a justice to the Supreme Court—would be limited to 2 hours, rather than the current limit of 30 hours.

These are sensible changes. These are reforms we are willing to live with if we are in the minority. And yet, we are warned that these simple reforms will transform the very character of the Senate. Will leave the minority without a voice. These arguments are covers for continued abuse of the rules.

The reforms are modest. Some would say too modest. But they would discourage the excessive use of filibusters. The minority still has the right to filibuster, but not the right to do so by simply making an announcement and then going out to dinner or, more likely, to a fundraiser.

Let me just say again: Senators MERKLEY, HARKIN, and I are not talking about taking away the rights of the minority. We are not abolishing the right to debate or to filibuster.

But there must be change. The unprecedented use, and abuse, of the filibuster and other procedural rules has prevented the Senate from doing its job. We are no longer ''the world's greatest deliberative body.'' In fact, we barely deliberate at all.

For most of our history the filibuster was used very sparingly. But, in recent years, what was rare has become routine. The exception has become the norm. Everything is filibustered—every procedural step of the way—with paralyzing effect. The Senate was meant to cool the process, not send it into a deep freeze.

Since the Democratic majority came into the upper chamber in 2007, the Senates of the 110th, 111th, and current 112th Congress have witnessed the three highest totals of filibusters ever recorded. A recent report found the current Senate has passed a record-low 2.8 percent of bills introduced. That is a 66 percent decrease from the last Republican majority in 2005–2006, and a 90 percent decrease from the high in 1955–1956.

I have listened with great interest to the arguments against rules reform by the other side. Each day, my Republican colleagues have come to the floor and made very impassioned statements in opposition to amending our rules at the beginning of the new Congress. They say that the rules can only be changed with a two-thirds supermajority, as the current filibuster rule requires. And they have repeatedly said any attempt to amend the rules by a simple majority is ''breaking the rules to change the rules.'' This simply is not true.

The supermajority requirement to change Senate rules is in direct conflict with the U.S. Constitution. Article I Section 5 of the Constitution states that, ''Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.'' When the Framers required a supermajority, they explicitly stated so, as they did for expelling a member. On all other matters, such as determining the Chamber's rules, a majority requirement is clearly implied.

There have been three rulings by Vice Presidents, sitting as President of the Senate, on the meaning of Article I Section 5 as it applies to the Senate. In 1957, Vice President Nixon ruled definitively: [W]hile the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of a previous Congress. Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional.

Vice-Presidents Rockefeller and Humphrey made similar rulings at the beginning of later Congresses.

I have heard many of my Republican colleagues quote Senator Robert Byrd's last statement to the Senate Rules Committee. I was at that hearing, and have great respect for Senator Byrd and know that he was one of the great Senate historians and deeply loved this institution. But we should also consider Senator Byrd's other statements, as well as steps he took as Majority Leader to reform this body.

In 1979, when others were arguing that the rules could only be amended in accordance with the previous Senate's rules, Majority Leader Byrd said the following on the floor: There is no higher law, insofar as our Government is concerned, than the Constitution. The Senate rules are subordinate to the Constitution of the United States. The Constitution in Article I, Section 5, says that each House shall determine the rules of its proceedings. Now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past.

In addition to the clear language of the Constitution, there is also a longstanding common law principle, upheld in the Supreme Court, that one legislature cannot bind its successors. For example, if the Senate passed a bill with a requirement that it takes 75 votes to repeal it in the future, that would violate this principle and be unconstitutional. Similarly, the Senate of one Congress cannot adopt procedural rules